

UNANIMOUS CONSENT
AGREEMENT

Mr. FRIST. Madam President, I ask unanimous consent that at 12 noon on Monday, October 11, the Senate proceed to a vote on adoption of the pending conference report to accompany H.R. 4520, the FSC legislation, with no intervening action or debate; provided further that following the vote on adoption of the conference report, the Finance Committee be discharged from further consideration of H.R. 1779 relating to penalty-free withdrawals, the Senate proceed to its consideration; all after the enacting clause be stricken and the substitute amendment which is at the desk be agreed to with the motion to reconsider laid upon the table; further, that the bill be read a third time and passed, again with the motion to reconsider laid upon the table; further, that Senator LANDRIEU be recognized to speak for 30 minutes on Monday before the adoption of the conference report.

I further ask consent that immediately following that vote, the cloture vote scheduled on the military construction appropriations conference report, H.R. 4837, be vitiated and the Senate then proceed immediately to a vote on adoption of the conference report, with no intervening action or debate; provided further that the Senate then proceed to a concurrent resolution which is at the desk relating to the enrollment of that measure and the resolution then be agreed to with the motion to reconsider laid upon the table; provided further that following that vote the Senate proceed to a vote on adoption of the Senate resolution which is at the desk regarding the instruction of conferees, with no intervening action or debate.

I further ask consent that following that action the Senate resume consideration of the conference report to accompany H.R. 4567, the Homeland Security appropriations measure; provided further that the cloture vote be vitiated and the Senate then vote on the adoption of the conference report, again with no intervening action or debate. I also ask consent that during the session of the Senate on Monday, October 11, Senator HARKIN be recognized to speak for up to 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT
AGREEMENT—S. 2845

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate receives from the House a message regarding S. 2845, the Senate disagree to the amendment from the House, agree to the request for a conference if one is requested, and that the Chair be authorized to appoint conferees on the part of the Senate in a ratio of either 7 to 6 or 6 to 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OF THE SENATE
AND HOUSE OF REPRESENTATIVES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 518, the adjournment resolution, which is at the desk, provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 518) was agreed to, as follows:

H. CON. RES. 518

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on the legislative day of Saturday, October 9, 2004, or Sunday, October 10, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 16, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Saturday, October 9, 2004, through Friday, October 15, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 15, 2004, or noon on Tuesday, November 16, 2004, as may be specified in the motion to recess or adjourn, or until such other time on either day as may be so specified, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I want to express my gratitude to a number of our colleagues who have worked with us to accomplish the multifaceted agreement that has now been put into place. I know this has been a very difficult and trying time for the entire Senate, and I know that my colleagues who have been to the floor and have expressed themselves over the last several days did so with the very best intent.

I think this is the best resolution to accommodate the very understandable concerns they have, but also to allow the Senate to complete its work. We have much more that needs to be done when we come back, and obviously we are going to be working on that. But this does allow us to move forward on what I think has been a very consequential week. The FSC bill, the military construction bill, the Homeland Security bill, the 9/11 conference report, the legislative reorganization, we have been able to do a good deal of work in a very short period of time. This will culminate our effort to complete the work and to move forward.

I appreciate very much their cooperation and their willingness to allow us to enter into this resolution.

I ask unanimous consent that Senator KENNEDY be recognized tomorrow to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, while the Democratic leader is here, I want to again thank both him and the assistant Democratic leader and my assistant leader as well and all the parties who have had to participate in bringing the agreement we just reached together. What it means is that tomorrow at noon, we will be having a rollcall vote and that the remainder of the bills I mentioned would be handled by voice vote tomorrow. But we will have a single rollcall vote tomorrow at noon.

Mr. DASCHLE. Madam President, I would concur it is our understanding that these matters will be handled by voice except for the FSC conference report. While we do not have it before the Senate at the moment, we will also be asking that Senator BOXER be recognized for 30 minutes and that a resolution having to do with a provision she has been very involved with be taken up as well. But that would be momentarily. Again, I appreciate her cooperation, along with that of many others.

FAMILY SMOKING PREVENTION
AND TOBACCO CONTROL ACT
AMENDING FAIR LABOR STANDARDS ACT OF 1938

Mr. FRIST. Mr. President, I understand there are two bills at the desk to be passed under a previous order.

The PRESIDING OFFICER. Under the previous order, S. 2974 and S. 2975 are read the third time and passed en bloc, and the motion to reconsider is laid on the table.

The bills (S. 2974 and S. 2975) were read the third time and passed, en bloc, as follows:

S. 2974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Smoking Prevention and Tobacco Control Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.